

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KIMBERLY BREESMEN,

Plaintiff,

v.

ALIGHT SOLUTIONS LLC,

Defendant.

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Case No.: 1:21-cv-05140-JPB

AMENDED NOTICE OF REMOVAL

**TO: THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF GEORGIA, ATLANTA DIVISION**

Comes now Defendant, Alight Solutions LLC (“Alight”), and respectfully notifies this Court of the removal of the above-styled cause from the Superior Court of Cobb County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. §1332 and §1441, and says as follows:

I.

This action is being removed to federal court based upon diversity of citizenship under 28 U.S.C. §1332.

II.

On or about November 18, 2021, Plaintiff filed in the state court the above-entitled civil action, bearing Cause No. 21108643 in the records and files of that Court.

III.

The aforesaid state court action is a suit of a wholly civil nature of which the United States District Court for the Northern District of Georgia, Atlanta Division, has original jurisdiction under 28 U.S.C. §1332 and is one that may be removed by petitioner pursuant to 28 U.S.C. §1441.

IV.

This Court has subject matter jurisdiction over this matter because this is an action between citizens of different states and/or is an action between a citizen of a state and a citizen or subject of a foreign state and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. Plaintiff is a citizen of the State of Georgia. Defendant is a limited liability company with Alight, Inc. as its managing member. Alight, Inc. is organized pursuant to the laws of the State of Delaware with its principal place of business in the State of Illinois. Among other things, Plaintiff's complaint seeks short-term disability ("STD") benefits. The STD benefits are estimated to be approximately \$60,000. Plaintiff

also seeks additional compensatory damages for the alleged breach of fiduciary duty, plus interest, attorney's fees and costs. Thus, although Defendant denies that Plaintiff is entitled to any remedy herein, much less the remedies sought in her complaint, the amount sought by Plaintiff in her complaint and put at issue in this case exceeds the statutory minimum of \$75,000.00.

V.

This action is therefore one of which the United States District Court for the Northern District of Georgia, Atlanta Division, has diversity of citizenship jurisdiction under 28 U.S.C. §1332 and §1441 and this action may be removed to this Court by petitioner pursuant to 28 U.S.C. §1441. Cobb County, Georgia is within the venue of the Atlanta Division of the United States District Court for the Northern District of Georgia.

VI.

This petition is being filed pursuant to 28 U.S.C. §1446 within thirty (30) days of service of the initial pleading in which a removable claim is asserted, and is removable in that:

- a. The time for filing this petition under 28 U.S.C. §1446 has not expired; and
- b. The parties are citizens of different states and/or this is an action between the citizen of a state and a citizen or

subject of a foreign state and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

VII.

Therefore, Defendant files this Notice of Removal of this action from the Superior Court of Cobb County, Georgia, in which it is now pending, to the United States District Court for the Northern District of Georgia, Atlanta Division. There are attached to this notice, marked Exhibit "A" and incorporated by reference, true and correct copies of all process, pleadings, and orders served upon Defendant in this action.

VIII.

Also attached to this notice, marked as Exhibit "B" and incorporated by reference, is a true and correct copy of the Amended Notice of Filing Notice of Removal that will be filed with the Superior Court of Cobb County, Georgia.

WHEREFORE, Defendant notifies this Court of the removal of this action from the Superior Court of Cobb County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 17th day of December, 2021.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: s/ A. Jonathan Jackson

A. Jonathan Jackson

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ATTORNEYS FOR DEFENDANT

**UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *AMENDED NOTICE OF REMOVAL* was filed electronically on December 17, 2021 and that service of same on all counsel of record will be made by the Court's CM/ECF system as follows:

Paul J. Sharman, Esq.
The Sharman Law Firm LLC
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Alpharetta, GA 30022

s/ A. Jonathan Jackson
A. Jonathan Jackson
Georgia Bar No. 852077